IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7418 of 2007()

CRIME NO. 384/07 OF KILIMANOOR POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN BA.6554/2007 Dated 01/11/2007

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PETITIONER/2ND ACCUSED

NISHAD A.R., AGED 18 YEARS,
S/O. ABDUL SALAM, KUZHIVILA KADAYIL VEEDU,
PAZHAYACHANDHA, PONGANADU, KILIMANOOR VILLAGE,
TRIVANDRUM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7418 OF 2007

Dated this the 3rd day of December, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. He faces allegations for offences punishable, inter alia, under Sec.326 of the IPC. The incident took place on 3/10/07. The First Information Statement was lodged only on 5/10/07. Altogether, there are 5 accused persons. The 1st accused had come to this Court claiming anticipatory bail and by order dated 1/11/07 in B.A.No.6554/07, this Court had granted anticipatory bail to the principal/1st accused.

2. The facts have been adverted to in detail in the said order. This order must be read in continuation of the said order and hence I am not adverting to the facts in any greater detail in this order.

3. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied that, for the reasons referred to in the earlier order, the petitioner herein, who is also identically placed, can be granted anticipatory bail subject to identical terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 10/12/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 11/12/07 and 12/12/07. During this period the Investigating Officer shall be at liberty to interrogate the petitioner in custody and take further steps for the investigation of the crime. Thereafter the petitioner shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 10/12/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 10/12/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge